



October 14, 2004

## **Suffolk County Planning Federation**

The Suffolk County Planning Federation was formed in 1994 to provide training opportunities for municipal planning and zoning officials. Since its formation, the Federation has held numerous educational forums and has provided training to hundreds of local officials and citizens. The premise of the Federation is that through training, better, more effective planning can result.

The mission of the Federation is to provide training opportunities to the 41 towns and villages of Suffolk County and also serve as a forum for the exchange of ideas and experiences among those officials. This mission has been realized with the tremendous growth of the Federation and its emergence as the preeminent training program in the county.

This resource manual is a supplement to the presentations provided at the seminar and can be used as a reference source. The New York State Department of State provides the majority of the information. The Suffolk County Department of Planning and the New York State Society of Professional Engineers has also provided information.

The Suffolk County Department of Planning assembled the manual. Editing was provided by Carol Walsh, Principal Research Analyst.

Thank you for your commitment to good planning and for your interest in the future of your community.

Thomas A. Isles, A.I.C.P., Director  
Suffolk County Planning Department

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## **PLANNING BASIC TRAINING: Introduction**

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**W**elcome to this training program sponsored by the Suffolk County Planning Federation. Instruction will be provided by planning and legal staff of the New York State Department of State (DOS). Local experts will supplement the program, resulting in one of the most comprehensive training programs ever offered on Long Island. This year's program is located at the Holiday Inn, Ronkonkoma, New York.

The program will include a presentation by Richard Johannesen, the Chairman of the Suffolk County Ethics Commission. Mr. Johannesen will discuss ethics and land use as it relates to Zoning and Planning Board members.

Following the introduction, the seminar courses will be presented in two sessions. The first session will encompass how special use permits work, an overview of homeland security initiative and critical infrastructure protection as well as current judicial trends in decision making. The second session will provide participants with a choice of three topics: Creating Quality Communities, Advanced Site Plan Review or a Mock Meeting titled "They Can't Do That".

Some of the courses qualify for continuing education credits for Code Enforcement Officers (CEO), AICP Continuing Professional Development, Continuing Legal Education (CLE) Professional Practice for Attorneys and Professional Development hours (PDH) for Professional Engineers in New York State.

Participation in the program is recommended for planning and zoning board members, town and village board members, staff to the boards, consulting firms as well as civic and community representatives. A Suffolk County Planning Federation certificate of completion will be sent to all seminar attendees.

The program will include the following New York State Department of State Local Government and Land Use Management courses. The course content is intended to familiarize board members with procedures that must be followed, applicable state statutes, general design concepts, and the context in which local decision making occurs. More experienced board members may want to treat these basic courses as *refresher courses* and as a way to confirm their working knowledge of recent changes to the state land use statutes. Both new and experienced board members and other local government officials will benefit from attending sessions that allow a more in-depth treatment of basic planning tools.

### **The ABCs of SUPs (Special Use Permits) (1a., 1b., 1c.)**

There are some uses that most of us want in our community, just not next door to us. For example, gas stations, dog kennels, convenience stores, and fast food restaurants. At this session experts will discuss how special use permits (a.k.a. conditional uses) work, and what rules local board must follow when reviewing them.

### **Planning and Zoning Case Law (1a., 1b., 1c.)**

An attorney from the Department of State will discuss the latest developments in state and federal courts in the area of land use. They will discuss current judicial trends in decision making, as well as how judicial decisions in other parts of the state impact local planning boards, zoning boards of appeals, and governing bodies. New and relevant opinions issued by the Attorney General, Comptroller, and Committee on Open Government will also be discussed.

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### **Creating Quality Communities (1c.)**

This course defines Smart Growth and illustrates its key principles within the context of New York's Quality Communities initiative. Examples of county planning that encourage inter-municipal cooperation and healthy patterns of community change are also features. A review of several innovative land use tools allows municipalities to consider approaches of implementing the principles of Smart Growth and Quality Communities. Tools reviewed include official maps, incentive and performance zoning, planned unit development, cluster subdivision, and transfer of development rights.

### **Mock Meeting: They Can't Do That! - Open Meetings and Hearings Sessions**

Although we've all attended more meetings than we care to recall, we also wonder sometimes if proper procedures are being followed. This session will combine role play with legal and practical advice on holding meetings and hearings. We'll also have some tips for accommodating people in a range of age groups. Topics will include: who can do what, use of agendas, handling public input, dos and don'ts.

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(1) Completion of this course provides the following continuing education credits:

- a. Code Enforcement Officers: 1 hour of In-Service Credit from the Office of Fire Prevention & Control
- b. Attorneys: 1 hour of Continuing Legal Education - Professional Practice
- c. American Institute of Certified Planners: 1 hour of Continuing Professional Development Program

The program will also include the following courses presented by local planning professionals and the New York State Society of Professional Engineers.

### **Advanced Site Plan Review**

Advanced Site Plan Review is designed for planning and zoning board members and staff with at least some prior experience with site plan review (although anyone may attend). The course will provide instruction on such topics as site circulation, parking layout, cross access easements, drainage design and landscaping. The purpose of the course will be to provide technical training that will foster the design of safe, functional and attractive developments.

### **Strategic Partnerships in Homeland Security (1d.)**

This lesson provides an overview of several aspects of Homeland Security Initiative & Critical Infrastructure Protection, with a focus on the challenges to stakeholders including Engineers, Planners, Architects, Government Officials, Constructors, Regulators, and Educators as partners in this national initiative. The session offers several aspects essential to stakeholders such as: Critical Infrastructure Development and Protection, Federal and State Initiatives in HLS/CIP, Risk Assessment, Facility Planning, Regional Planning, Defensive Codes & Standards, and Technologies Applications.

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(1) Completion of this course provides the following continuing education credits:

- d. Professional Engineers: 1.5 Professional development hours (1.5 PDHs)

## **PLANNING BASIC TRAINING: Introduction**

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*Thanks to the sponsors below, there is no fee for this seminar.*

**Suffolk County Planning Federation** - Formed in 1994, the Suffolk County Planning Federation was organized to provide training opportunities for county and local planning officials.

**New York State Department of State** - The NYS Department of State provides training to municipal officials who are seeking basic information about local government powers and duties in relation to the land use review and approval process. Basic land use management training courses are offered for planning board and zoning board of appeals members, elected officials, and zoning enforcement officers.

**The American Planning Association** - The American Planning Association is a nationwide professional, public interest and research organization representing over 30,000 planners, elected and appointed officials and citizens concerned with planning and development. The Long Island Section of the Metro Chapter of the APA is the local contact for this program.

**Pulte Homes of New York, Inc.  
Suffolk County Water Authority  
Wendy's International, Inc.  
Allied Domecq a/k/a Dunkin' Donuts - Baskin Robbins**

**Certified Interiors, Inc.**

**AKRF, Inc.  
Nelson, Pope & Voorhis, LLC  
Nelson & Pope  
James F. Gesualdi, AICP, Attorney at Law  
UBS Match  
Wallace, Roberts & Todd, LLC  
Eschbacher Engineering, PC  
Cameron Engineering & Associates, LLP  
RMS Engineering  
Vollmuth & Brush  
Westbury Realty Ventures, LP**

**Cashin Spinelli & Ferretti, LP  
First Development Corporation**





## PLANNING BASIC TRAINING: Introduction

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### Local Government Training & Technical Assistance Division of Local Government Services

George E. Pataki  
Governor

Randy A. Daniels  
Secretary of State

The **Division of Local Government Services** provides assistance to communities to achieve Quality Community goals through its training, technical assistance and outreach efforts. Services provided by the Division reflect Governor Pataki's commitment to strengthening State and local partnerships for a better New York.

**Training programs** for elected and appointed local officials – known as Local Government Institutes – are conducted by the Division of Local Government at several conferences each year sponsored by regional councils, municipal associations, and county governments. In addition, because the Division recognizes that many local officials are unable to attend day-long or day-time training sessions, the Division schedules training sessions during evening hours.

While training has traditionally been focused in the area of planning and zoning, it has been broadened to address a range of local government issues -- from agricultural land and open space to transportation and water quality improvements.

Local sponsors can offer to host these training sessions. Sponsors are asked to pick a topic and date, make arrangements to provide a facility and issue training announcements. Training seminars are provided by the Department at no cost.

**Technical assistance** is available through a team of land use specialists and attorneys assigned to the Division of Local Government. The Division also serves as a clearinghouse for technical assistance for local government officials, members of local boards, zoning enforcement officers, municipal attorneys and others who assist local governments in their decision-making process.

Assistance is available upon request by telephone, fax, e-mail, or in person at one of the many events throughout the state where the Division is represented. Specialized assistance is provided in several areas, including the New York City Watershed, Tug Hill and Adirondack regions, as well as in counties located on the Southern Tier of the State.

The Division's collection of local law examples on everything from "A" (adult uses) to "Z" (zoning enforcement) serves as a valuable resource for municipalities contemplating a change in local regulations.

The Division of Local Government Services also serves as a clearinghouse of information for local officials. While Division specialists can provide answers to a wide range of questions, at times, they may refer a local official to another state agency that is best suited to respond to specific needs. Assistance is available through a toll-free Helpline at (800)367-8488.

**The Quality Communities Clearinghouse** website represents an additional method of providing information to our partners in local government. The Department of State hosts the website, which provides easy access to grant information, data, local examples, and technical assistance from other state agencies as well. Find it at: [www.qualitycommunities.org](http://www.qualitycommunities.org).

**Thousands of publications** are distributed annually by the Division of Local Government at seminars and conferences, by mail and through the Internet. The James A. Coon Local Government Technical Series contains publications dealing with administration of land use tools, adoption of local laws and charters, local government cooperation, and other topics of interest to local government officials.

Recent publications produced by the Division include the *Controlling Junk* and the *Local Open Space Planning Guide*.

The Division also makes a select number of publications produced by other units of government available via its website, including several studies involving village dissolution and consolidation of services.

Publications may be downloaded from the Department of State's Division of Local Government website at the following address: [www.dos.state.ny.us/lgss/publications.htm](http://www.dos.state.ny.us/lgss/publications.htm).

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In addition to serving as the official repository for a variety of government and business documents, the Department of State also provides technical support for local governments and administrative support to several state commissions. The Department is organized into three major functions:

### LOCAL GOVERNMENT & COMMUNITY SERVICES

- Local Government
- Coastal Resources
- Code Enforcement and Administration
- Community Services
- Office of Fire Prevention and Control
- Regional Affairs

### ADMINISTRATION & MANAGEMENT

- Quality Communities Interagency Working Group
- State Athletic Commission
- State Ethics Commission
- Lake George Park Commission
- Tug Hill Commission
- Committee on Open Government

### BUSINESS & LICENSING

- Licensing Services
- Cemeteries
- Corporations, State Records and Uniform Commercial Code
- Administrative Rules

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**New York State**  
**DEPARTMENT OF STATE**  
**Office of Local Government and Community Services**  
Dorothy Harris  
*Deputy Secretary of State*

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**Division of Local Government Services**  
Barbara "Charlie" Murphy  
*Director*

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**NYS Department of State**  
41 State Street  
Albany, NY 12231

Helpline ..... (800)367-8488  
Reception ..... (518)473-3355  
Fax ..... (518)474-6572  
Internet ..... [www.dos.state.ny.us](http://www.dos.state.ny.us)  
E-Mail ..... [localgov@dos.state.ny.us](mailto:localgov@dos.state.ny.us)

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### Quality Communities Clearinghouse

Reception ..... (518)473-3355  
Internet ..... [www.qualitycommunities.org](http://www.qualitycommunities.org)  
E-Mail ..... [QC@dos.state.ny.us](mailto:QC@dos.state.ny.us)

George E. Pataki, Governor

Randy A. Daniels, Secretary of State

NEW YORK STATE DEPARTMENT OF STATE  
DIVISION OF LOCAL GOVERNMENT

### James A. Coon Local Government Technical Series Order Form

Also Available At <http://www.dos.state.ny.us/lgss/list9>

#### LOCAL GOVERNMENT COOPERATION

- \_\_\_\_\_ **Consolidation for Towns and Villages** (12/98). Addresses considerations that relate to town and village consolidation, including a cost savings checklist and steps for consolidation.
- \_\_\_\_\_ **The Consolidation of Local Government** (3/97). The service and financial implications of the Village of Fillmore dissolution into the Town of Hume. A Southern Tier West Regional Planning and Development Board (STWRPB) publication.
- \_\_\_\_\_ **Implications of a Village Dissolution** (7/97). The financial feasibility of dissolving the Village of Cherry Creek into the Town of Cherry Creek. A STWRPB publication.
- \_\_\_\_\_ **Intergovernmental Cooperation** (6/98). Provides practical suggestions, ideas and information.
- \_\_\_\_\_ **Village Dissolution** (3/98). Serves as a guide for those who wish to determine and assess the management and legal implications of village dissolution.

#### LOCAL LAWS AND CHARTERS

- \_\_\_\_\_ **Administration and Enforcement of the Uniform Fire Prevention and Building Code** (1/98). Summarizes state and local government responsibilities relating to the New York State Code.
- \_\_\_\_\_ **Adopting Local Laws** (5/98). Plain language, step-by-step requirements to draft and adopt a local law.
- \_\_\_\_\_ **Land Use Moratoria** (1/99). This document describes land use moratoria, the drafting of a law suspending development, and moratoria case law.
- \_\_\_\_\_ **Local Laws and Agricultural Districts: How Do They Relate?** (8/99) Provides guidance to municipalities in the preparation of local regulations so that they do not adversely impact farming activities conducted within state agricultural districts.
- \_\_\_\_\_ **Revising City Charters** (6/98). Describes in detail the legal methods and requirements of revising a city charter, and provides statistical data and technical guidance for charter committee members and staff.

#### GENERAL INFORMATION

- \_\_\_\_\_ **Local Government Handbook** (1/00). Provides an overview of the history, structure and function of local governments in New York State, and the supporting state functions. Fifth edition
- \_\_\_\_\_ **Local Government Handbook CDROM** (1/00).
- \_\_\_\_\_ **Quality Communities - CDROM** (1/01). Forty-one recommendations of the Quality Communities Task Force
- \_\_\_\_\_ **Your Right to Know** (1/02). Provides information about the Freedom of Information Law and Open Meetings Law. Includes sample letters.

(Revision dates in parenthesis)

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### LAND USE TECHNICAL SERIES

- \_\_\_\_\_ **Adopting Zoning for the First Time** (6/98). Procedure for establishing a municipality's first zoning regulations.
- \_\_\_\_\_ **Conducting Public Meetings and Public Hearings** (9/95). Procedures governing public meetings and hearings.
- \_\_\_\_\_ **Controlling Junk** (1/04). Municipal options for controlling junk motor vehicles as well as other household debris. Includes sample local law language.
- \_\_\_\_\_ **Creating the Community You Want: Municipal Options for Land Use Control** (6/98). Summarizes various land use management tools.
- \_\_\_\_\_ **Governmental Immunity from Zoning** (8/99). Factors to determine whether a particular governmental action is subject to local land use regulations.
- \_\_\_\_\_ **Guide to Planning and Zoning Laws in New York State** (1/03). Text of relevant laws -- including statutory changes from the 2002 Legislative Session.
- \_\_\_\_\_ **Guidelines for Applicants to the Zoning Board of Appeals** (12/99). Explains the rules and standards under which appeals may be taken and decisions made.
- \_\_\_\_\_ **Legal Aspects of Municipal Historic Preservation** (1/02). An overview of municipal regulatory authority to preserve local historic resources under state and federal statutes.
- \_\_\_\_\_ **Municipal Regulation of Mobile Homes** (12/99). Municipal authority to regulate the placement of mobile (manufactured) homes.
- \_\_\_\_\_ **Planning and Design Manual for the Review of Applications for Wireless Telecommunications Facilities** (3/01). Provides guidance on how to handle applications for wireless communications facilities.
- \_\_\_\_\_ **Planning and Design Manual for the Review of Applications for Wireless Telecommunications Facilities - CDROM** (3/01)
- \_\_\_\_\_ **Questions for the Analysis and Evaluation of Existing Zoning Regulations** (1/04). Questions to assist you in determining whether your existing zoning regulations need amending.
- \_\_\_\_\_ **Record Keeping Tips for Zoning Administration** (10/96). Tips on managing zoning-related paperwork. Sample forms.
- \_\_\_\_\_ **Site Development Plan Review Procedure and Guidelines** (8/98). The process for review of the development of a single parcel of property.
- \_\_\_\_\_ **Zoning and the Comprehensive Plan** (12/99). The legal relationship between the comprehensive plan and municipal zoning regulations.
- \_\_\_\_\_ **Zoning Board of Appeals** (10/95). Explains the powers and duties of the zoning board of appeals.
- \_\_\_\_\_ **Zoning Enforcement** (6/98). The zoning enforcement process, including options for enforcement and sample forms.

### ORDER INFORMATION

A reasonable number of copies will be provided free of charge. To order, send name and mailing address where order is to be shipped to:

Division of Local Government  
NYS Department of State  
41 State Street, Suite 900  
Albany, New York 12231.  
(518)473-3355 Fax (518)474-6572  
E-mail: [localgov@dos.state.ny.us](mailto:localgov@dos.state.ny.us)

Mailing/Shipping Address:

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## **PLANNING BASIC TRAINING: Introduction**

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### **Richard Johannesen**

In January 2004, Richard Johannesen was appointed to the post of Chairman of the Suffolk County Ethics Commission. Johannesen, a well known community and civic activist and former president of the Affiliated Brookhaven Civic Organizations, was co-chair of County Executive Steve Levy's Transition Team Committee on Reform and Ethics. The Ethics Commission is charged with educating the County's workforce and conducting seminars in the County's ethics laws and the basics of good government, essentially providing a set of principles to illustrate the "do's and don'ts" for government employees. The goal is to raise awareness and understanding of the processes for ensuring ethics in government. Richard Johannesen is a graduate of the John Jay College of Criminal Justice and the Hofstra University School of Law. He is a practicing attorney at Johannesen & Johannesen in Rocky Point.

### **Lori Heithoff, AICP**

Lori Heithoff is the Department of State Land Use Training Manager, responsible for developing the training program offered to local planning and zoning officials, as well as presenting the training programs. In addition, she serves as the point of first referral for those individuals throughout the state requesting technical assistance on planning and zoning issues. Prior to joining the Department of State, she provided staff support for the update and recodification of New York State's Land Use Laws. Mrs. Heithoff holds a Masters in Urban & Regional Planning and a Bachelor of Arts in Political Science, both from the State University of New York at Albany where she was elected to Phi Beta Kappa. She is also a member of the American Institute of Certified Planners.

### **Lawrence Weintraub, Esq.**

Lawrence (Larry) H. Weintraub has been a Senior Attorney with the New York State Department of State since October 2000. He principally works with the Department of State's divisions of Local Government and Coastal Resources. Before joining the Department of State, Larry spent approximately 11 years in the private practice of law. During that time, Larry mostly worked in the areas of municipal, land use, environmental and real property law. For various periods, Larry served as a village and town attorney and consulted with several municipalities in the preparation and adoption of land use regulations. Larry has an undergraduate degree in geology from Harpur College at the State University of New York at Binghamton and a Juris Doctor from Antioch University School of Law. He is admitted to practice in New York and several federal courts. Larry is a member of the International Municipal Lawyers Association.

### **Harry Willis, Esq.**

Harry J. Willis is a graduate of Union College, SUNY Albany and Franklin Pierce Law Center. Mr. Willis has been an attorney with both the Niagara Mohawk Power Corporation and the NY State Environmental Conservation Department. Since 1980 he has been with the Department of State, specializing in municipal law and land use, and serving as the Department's lead local government counsel. Mr. Willis has also served as Chairman of the Village of Scotia Zoning Board of Appeals. He has been a member of the Town of Glenville's Environmental Conservation Commission as well as its Planning Board, and is currently an alternate member of the Town's Zoning Board of Appeals. Mr. Willis has written numerous articles and has contributed to several publications in the James A. Coon Local Government Technical Series. He has also lectured and taught extensively on issues of municipal law and land use. He is co-author of the award-winning book, *The Short Course: A Basic Guide for Planning Boards and Zoning Boards of Appeals in New York State*. Mr. Willis has also written several pieces of legislation, including the 1982 bill that became the law authorizing municipalities to mandate the clustering of subdivisions.

### **Louis J. Errichiello**

Louis J. Errichiello, P.E., AICP - is Vice President of New York State Society of Professional Engineers (NYSSPE), and Chair of the NYSSPE Infrastructure Security Task Force. At the national level, he has served as the Past Chair of the National Society of Professional Engineers (NSPE) Critical Infrastructure – Homeland Security Task Force where he led the NSPE efforts in the Homeland Security initiative including representation to The Infrastructure Security Partnership (TISP). He is a Professional Engineer and Certified Planner with over twenty-five years of experience in the development and administration of infrastructure, environmental, and facilities programs, in both the private and public sectors. Mr. Errichiello serves on the Engineering Advisory Boards of SUNY Farmingdale and Hofstra University. He is a Graduate of Manhattan College's Civil Engineering program and has conducted graduate studies in Technology Management at Stony Brook University.

## **PLANNING BASIC TRAINING: Introduction**

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### **Thomas A. Isles, AICP**

Thomas Isles is the Director of Planning for Suffolk County and has held the position since 2001. The Planning Department provides research and planning services to the County Executive, the Legislature and the Suffolk County Planning Commission, including advice on open space acquisitions, farmland preservation, demographic trends, municipal land use and affordable housing. Prior to his appointment to the County, Mr. Isles was the director of current planning operations for the Cayman Islands in the British West Indies. This followed over twenty years of service in the Town of Islip including 13 years as the Commissioner of Planning and Development. While in this position, Mr. Isles was in charge of all planning, building, engineering and economic development functions. Mr. Isles also served on the Suffolk County Planning Commission as Vice Chairman and was a member of the Executive Board of the New York Main Street Alliance. He is a current member of the American Planning Association and of the American Institute of Certified Planners. He has also served as an adjunct professor of planning at L.I. University. Mr. Isles is a graduate of Rutgers University and the State University at Stony Brook.

### **Lisa Anderson**

Lisa Anderson began her civil service career in 1985 for the Town of Islip. Working with the Engineering and Planning Divisions, she reviewed site plans for commercial and industrial development, as well as minor and major residential development for the next 18 years, achieving promotions through the ranks to Site Plan Reviewer. In 2003, Lisa transferred to the Town of Brookhaven, where she continues reviewing commercial site plans with a team of four reviewers.

### **Christopher W. Robinson, PE**

Mr. Robinson is the president of Robinson, Muller & Schiavone Engineers, PC. In addition to the management of the firm, he serves as project manager on various Civil Engineering, Site Development and Land Use Planning Projects. Mr. Robinson is recognized as an expert by most of the Town Boards, Zoning Boards and Planning Boards throughout Long Island. His management of hundreds of site development projects for private clients has resulted in maximizing the client's land values while achieving a positive impact on the surrounding communities. Mr. Robinson is a graduate of the University of Massachusetts at Amherst and is a registered Engineer with the State of New York. He is affiliated with the American Society of Civil Engineers, the American Planning Association and the International Council of Shopping Centers.